

REMARKS

Claims 8-16 remain pending in the present application. Claims 1-7 and 17-31 are canceled as directed to a non-elected invention and/or species. These Claims are canceled so as to be responsive; however the election requirements prompting such cancellations are traversed herein. The Examiner is respectfully requested to enter these amendments into the above captioned case prior to examination thereof. Applicants respectfully assert that no new matter is added as a result of these amendments.

RESTRICTION (Distinct Inventions)

In the Office Action mailed July 19, 2005, in the above captioned case, the Examiner has stated that the present Application contains two distinct inventions. As such, the Examiner has required the Applicants to elect a single invention for prosecution on the merits. Specifically, the Examiner has required the Applicants to elect between a first invention, Group I, recited in claims 1-7, drawn to a method of operation in an IC, classified in class 438, subclass 218, and a second invention, Group II, recited in claims 8-31, drawn to apparatus, classified in class 257, subclass 368.

ELECTION WITH TRAVERSE BETWEEN

GROUP I AND II

Applicants elect with traverse Group II, recited in claims 8-31, drawn to apparatus, classified in class 257, subclass 368. Applicants respectfully assert that the restriction requirement and the rationale for restriction are improper, and respectfully solicit withdrawal of such restriction requirement, in view of the rationale presented below.

The Official Action asserts “inventions Group I and II are related as process of making and product made.” Applicants respectfully traverse this characterization. Independent Claim 1 (Group I) is directed to “a method of high frequency operation in an integrated circuit.” Independent Claims 8, 17 and 25 (Group II) are directed to integrated circuit apparatuses.

As neither Group is directed to a “process of making” an integrated circuit, Applicants respectfully assert that the stated rationale for the restriction is improper on its face.

For this reason, Applicants respectfully assert that the restriction requirement is overcome, and respectfully solicit withdrawal of such restriction requirement.

In addition with respect to the restriction requirement, the Official Action asserts, “the semiconductor device does not require an epitaxy region to function.” Applicants respectfully assert that the limitation of “an epitaxy region” as recited in Claim 1 (Group I) and the lack of such limitations in the Group II claims does not render the two Groups distinct for restriction thereof. Both Groups remain directed to the entitled “Deep N-Well Capacitor.”

For this additional reason, Applicants respectfully assert that the restriction requirement is overcome, and respectfully solicit withdrawal of such restriction requirement.

Moreover, Applicants respectfully assert that the difference of “an epitaxy region” between the Groups does not support the purported showing under MPEP § 806.05(f). Applicants respectfully assert that the Claims of Group II do not exclude “an epitaxy region,” but rather comprise structures with or without “an epitaxy region.” Applicants respectfully assert that the inclusion or lack of a limitation of “an epitaxy region,” as recited in Group I but not recited in Group II, does not show that “the process as claimed can be used to make other and materially different product.” Neither does such difference show “the product as claimed can be made by another and materially different process.” Applicants respectfully assert that this difference shows nothing related to “process of making.”

For these further reasons, Applicants respectfully assert that the restriction requirement is overcome, and respectfully solicit withdrawal of such restriction requirement.

As described previously, Independent Claim 1 (Group I) is directed to “a method of high frequency operation in an integrated circuit... comprising a plurality of deep n well regions,” and Group II is directed to integrated circuits comprising deep n-well structures. Both Groups of claims are directed toward “a deep n-well capacitor.”

For this reason, Applicants respectfully assert that the inventions of Group I and Group II are not distinct for restriction thereof, and prosecution should progress on Claims 1-31 as originally submitted.

RESTRICTION (Patentably Distinct Species)

In the Office Action mailed July 19, 2005, in the above captioned case, the Examiner has stated that the present Application contains claims directed to three patentably distinct species of the claimed invention. As such, the Examiner has required the Applicants to elect a single disclosed species for prosecution on the merits. Specifically, the Examiner has required the Applicants to elect between a first species, Species IIA, recited in claims 5-15 [sic], drawn to an IC which requires “one [sic]” deep n-well, a second species, Species IIB, recited in claims 16-24 [sic], drawn to an IC which requires two deep

n-wells at different depths and a third species, Species IIC, recited in claims 25-31, drawn to deep n-well capacitor.

Applicants respectfully assert that the groupings of the claims of Species IIA and IIB are improper. Claim 16 depends from Claim 8 and therefore should be included in Species IIA and removed from Species IIB. In the interest of timely prosecution, Applicants will treat Claim 16 as belonging to Species IIA.

Applicants respectfully traverse the Official Action's characterization of Species IIA as "requir(ing) one deep n-well." Claim 8 (Species IIA) recites, in part, "a deep n well," not "one deep n well" as stated in the Official Action. Applicants respectfully assert that embodiments in accordance with Claim 8 can comprise more than one deep n well, in contrast to the Official Action's characterization.

ELECTION WITH TRAVERSE AMONG
SPECIES IIA, IIB AND IIC

Applicants elect with traverse Species IIA, recited in claims 8-16. Applicants respectfully assert that the restriction requirement and the rationale for restriction are improper, and respectfully solicit withdrawal of such restriction requirement, in view of the rationale presented below.

Applicants respectfully assert that Claims 8-31 recite varying embodiments a “deep n-well capacitor.” For example, all of the embodiments of Claims 8-31 are related as they may be used to enable high frequency operation in an integrated circuit, e. g., in accordance with the method of Claim 1 or similar methods.

For this reason, Applicants respectfully assert that the restriction requirement is overcome, and respectfully solicit withdrawal of such restriction requirement.

Applicants respectfully assert that the inventions of Species IIA, IIB and IIC are not patentably distinct, and prosecution should progress on Claims 1-31 as originally submitted.



CONCLUSION

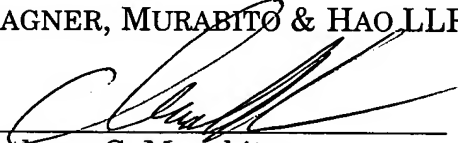
Claims 8-16 remain pending in the present application. Claims 1-7 and 17-31 are canceled as directed to a non-elected invention and/or species. The Examiner is respectfully requested to enter these amendments into the above captioned case prior to examination thereof. Applicants respectfully assert that no new matter is added as a result of these amendments.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: SEP 13, 2005


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